

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 24, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,

-vs-

JOSE FILIBERTO ARIZA, JR.,
Defendant.

No. 2:20-CR-0139-WFN-1

ORDER RE: SCHEDULE
FOR SENTENCING

On this day, Defendant, accompanied by his attorney, Colin Prince, appeared and entered his plea of guilty. The Government was represented by Assistant United States Attorney Patrick Cashman. Accordingly,

IT IS ORDERED that:

1. Sentencing shall be held **June 23, 2021 at 11:00 a.m., in Spokane**, Washington. Pending sentencing Defendant shall be **DETAINED** pursuant to this Court's previous Order.

2. The United States Probation Officer shall prepare a timely presentence investigation report which will comply with the following schedule:

(a) Not less than **35 days prior to the date set for sentencing**, the Probation Officer shall disclose the presentence investigation report to counsel for Defendant and the Government. Within **14 days thereafter**, counsel shall communicate in writing to the probation office any objections they may have as to any factual errors or omissions; sentencing classifications; sentencing guideline ranges; and policy statements contained in or omitted from the report. Such communication may be oral initially but shall immediately be confirmed in writing to the Probation Officer and opposing counsel.

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1 Objections shall be numbered and identify the paragraph(s) to which the
2 objection applies. Objections shall address the PSR in sequential order, beginning with the
3 lowest numbered paragraph.

4 (b) After receiving counsel's objections, the Probation Officer shall conduct any
5 further investigation and make any revisions to the presentence report that may be necessary.
6 The Probation Officer may require counsel for both parties to meet with the officer to discuss
7 unresolved factual and legal issues and counsel shall make themselves available for that
8 purpose.

9 (c) At least **10 days prior to the date of the sentencing hearing**, the Probation
10 Officer shall submit the presentence report to the sentencing judge. The report shall be
11 accompanied by an addendum setting forth any objections counsel may have made,
12 including those that have not been resolved, together with the officer's comments and
13 recommendations thereon. The Probation Officer shall certify that the contents of the report,
14 other than sentencing recommendations, including any revisions or addenda, have been
15 disclosed to counsel for the Defendant and the Government, and that the addendum fairly
16 states any remaining objections.

17 (d) Except with regard to any written objection made under sub-division (a), the
18 report of the presentence investigation and computations shall be accepted by the Court as
19 accurate. Upon a timely objection by the Defendant, the Government bears the burden of
20 proof on any fact that is necessary to establish the base offense level. The Court, however,
21 for good cause shown, may allow a new objection to be raised at any time before the
22 imposition of sentence. In resolving disputed issues of fact, the Court may consider any
23 reliable information presented by the Probation Officer, the Defendant, or the Government.

24 (e) Nothing in this Order requires the disclosure of any portions of the PSR that
25 are not disclosable under Rule 32 of the Federal Rules of Criminal Procedure.

26 (f) **Any memorandum or motion** regarding sentencing must be filed and
27 served at least **15 days prior to the date set for sentencing**. The opposing party shall file
28 and serve a response, if any, **within 7 days** of receipt of the motion.

1 (g) If it is determined that the Defendant may qualify for the safety valve
2 (5C1.2), the parties must schedule a meeting to conduct a safety valve interview to determine
3 if the Defendant has met the requirements of U.S.S.G. § 5C1.2(a)(5) **no later than 10 days**
4 **prior to the sentencing hearing.** Counsel may request a continuance of the sentencing
5 hearing if the ends of justice so require.

6 The District Court Executive is directed to file this Order and provide copies to
7 counsel **AND TO** the United States Probation Office.

8 **DATED** this 24th day of March, 2021.

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11 WM. FREMMING NIELSEN
12 SENIOR UNITED STATES DISTRICT JUDGE

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